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RE: OFFICIAL PAPER
TO: Examiner J. Kading
U.S. Patent and Trademark Office
GAU: 2661
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FROM: Eugene J. Rosenthal
Reg. No. 36,658
Lucent Technologies Inc.

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DATE: August 10, 2004
Pages (Incl. Cover): 6

Re: AMENDMENT
Case No.: W. J. Rowe 1
Ser. No.: 09/660027
File Date: September 12, 2000
Title: Cable Modem Termination System For
Upstream Frequency Band

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Aug. 10, 2004
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Sharon Lobosco
SHARON LOBOSCO

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

William J Rowe

CASE 1

Serial No. 09/660027

Group Art Unit 2661

Filed September 12, 2000

Examiner J. Kading

Title Cable Modem Termination System For Upstream Frequency Band

COMMISSIONER FOR PATENTS
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SIR:

Enclosed is an amendment in the above-identified application.

NO ADDITIONAL FEE REQUIRED

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 12-2325 as required to correct the error.

Respectfully,



Eugene J. Rosenthal, Attorney
Reg. No. 36658
732-949-1857.

Date: August 10, 2004

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

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Sharon Lobosco

Serial No. 09/660,027

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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Patent Application

Inventor(s): William J. Rowe

Case: 1

Serial No.: 09/660,027

Group Art Unit: 2661

Filed: September, 12, 2000

Examiner: J. A. Kading

Title: Cable Modem Termination System For Upstream Frequency Band

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SIR:

RESPONSE

This communication is in response to the Office Action dated May 12, 2004.

Remarks

Claim 8 remains pending in the application.

Claim 8 was rejected under 35 U.S.C. 103 (a) in view of WO 00/28712, hereinafter Jones et al. The Office Action states that Jones et al. teaches all the elements of claim 8, except for reducing the prescribed period of time and repeating the searching step when the searching step failed to find a channel with an acceptable noise level over the prescribed period. However, the Office Action further states that Jones et al. teaches that when the searching step failed to find a channel with an acceptable noise level over the prescribed period, the steps of reducing the specified bandwidth and repeating the searching step should be performed. However, suggests the Office Action, the step of reducing the prescribed period would be obvious from the step of reducing the bandwidth by Jones et al., since changing a search parameter is mere design choice.

Applicant respectfully disagrees and traverses this ground of rejection for the following reasons.